

GREGORY ANTHONY,

Plaintiff,

*versus*REGINALD GOINGS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:09-CV-597

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Gregory Anthony, an inmate confined at the Cleveland Correctional Center, proceeding *pro se* and *in forma pauperis*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Reginald Goings, Brian Rodeen, and Brad Livingston.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice pursuant to plaintiff's motion to dismiss.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

¹

While plaintiff filed no objections, he later submitted a letter requesting that the Clerk of Court send an order to prison officials to stop deducting filing fee payments from his prisoner account. The obligation to pay the filing fee, however, attaches at the time of filing and the obligation remains despite the disposition of the case. *See Hatchet v. Nettles*, 201 F.3d 651, 654 (5th Cir. 2000) ("No relief from an order directing payment of the filing fee should be granted for a voluntary dismissal."). Plaintiff may reinstate his claims, if he so desires, by filing a motion to reinstate within ten days from the date of this order.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of September, 2011.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE